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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

RAY J. ARTIANO et al.,

Petitioners,

v.

THE SUPERIOR COURT OF
RIVERSIDE COUNTY,

Respondent;

JOHN M. SICILIANO et al.,

Real Parties in Interest.

E047310

(Super.Ct.No. RIC455460)

ORDER MODIFYING OPINION
AND DENIAL OF PETITION
FOR REHEARING

[NO CHANGE IN JUDGMENT]

THE COURT:

The petition for rehearing filed by real party in interest John M. Siciliano on July 8, 2009, is denied.

The petition for rehearing filed by real party in interest John E. Louw on July 13, 2009, is denied.

The opinion herein, filed on July 1, 2009, is modified as follows:

1. On page 5 of the opinion, the sentence that reads: Artiano declares that he did not even meet them until the day he was retained and that was after they had discharged Siciliano, is deleted.

2. On page 6 of the opinion, the second full paragraph is deleted and replaced with:

Siciliano also argues that defendants engaged in fraud in the inducement by telling the Singhs that they would pay a lesser fee if they discharged him. However, it appears the trial court did not consider this issue in ruling on the motion. When the matter is returned to that court, it may consider the matter, if it considers it appropriate to do so.

3. On page 7 of the opinion, the first full paragraph is replaced to read as follows:

Mrs. Singh contends she is entitled to summary adjudication on the quantum meruit claims because it is undisputed the number of hours Louw and Siciliano spent on the case, their hourly rate, and the fact that neither effectuated a settlement or recovered any money for her. In essence, she contends that the reasonable value of their services is the number of hours each worked on the case, multiplied by their hourly rate.

While this method is sometimes used for determining

reasonable value of services, an attorney may be entitled to a pro rata share of the contingency fee or perhaps the entire fee. (*Fracasse, supra*, 6 Cal.3d at p. 791; *Cazares v. Saenz* (1989) 208 Cal.App.3d 279; see also *Schneider v. Kaiser Foundation Hospitals* (1989) 215 Cal.App.3d 1311, 1316-1317, overruled on another ground in *Moncharash v. Heily & Blase* (1992) 3 Cal.4th 1.)

4. On page 7 of the opinion, the final full paragraph is deleted and replaced with:

The trial court has failed in its ruling to address any issues relating to the quantum meruit claims. It should address this matter when this action is returned to it for further proceedings.

There is no change in the judgment.

HOLLENHORST
Acting P. J.

We concur:

GAUT
J.

KING
J.